



UNITED STATES DEPARTMENT OF COMMERCE

Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS

Box PCT

Washington, D.C. 20531

U.S. APPLICATION NO.

FIRST NAMED APPLICANT

ATTY. DOCKET NO.

08/596,221

SILVESTRINI

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251692002120

INTERNATIONAL APPLICATION NO.

PCT/US94/08458

I.A. FILING DATE

PRIORITY DATE

07/28/94

08/02/93

DATE MAILED

05/13/96

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as

- ☒ a Designated Office (37 CFR 1.494),
☐ an Elected Office (37 CFR 1.495):

☒ U.S.-Basic National Fee.

☒ Copy of the international application in:

☐ a non-English language.

☒ English.

☒ Translation of the international application into English.

☐ Oath or Declaration of inventor(s) for DO/EO/US.

☐ Copy of Article 19 amendments.

☐ Translation of Article 19 amendments into English.

☒ The International Preliminary Examination Report in English and its Annexes, if any.

☐ Translation of Annexes to the International Preliminary Examination Report into English.

☐ Preliminary amendment(s) filed _____ and _____

☐ Information Disclosure Statement(s) filed _____ and _____

☐ Assignment document.

☐ Power of Attorney and/or Change of Address.

☐ Substitute specification filed _____

☐ Verified Statement Claiming Small Entity Status.

☐ Priority Document

☐ Other:

2. The following items MUST be furnished within the time period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. Note a processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.

☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).

☒ c. Oath or Declaration of the inventors, in compliance with 37 CFR 1.63, identifying the application by international application number and international filing date.

☐ The current oath or declaration does not comply with 37 CFR 1.63 for the reasons indicated on the attached PTO-152.

☐ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

3. Additional claim fees of \$ _____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. See attached PTO-875.

ALL OF THE ITEMS SET FORTH IN 2(a) -2(d) AND 3 ABOVE MUST BE SUBMITTED WITHIN ONE MONTH FROM THE DATE OF THIS NOTICE OR BY ☐ 21 or ☒ 31 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37.CFR 1.136(a).

4. Translation of the Annexes MUST be submitted no later than the time period set above or the annexes will be cancelled. Note a processing fee will be required if submitted later than 30 months from the priority date.

5. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)), or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5).

A copy of this notice MUST be returned with the response.

Enclosed: ☐ PTO-152 ☐ Notice of Defective Translation☐ PT J-875

FORM PCT/DO/EO/905 (May 1993)

Telephone: (703)

305-3656

MISSING PART
DOCKETED

6/13/96

10/13/96

Paula Kidney, P. Keen
Paralegal Specialist

92 REG PCT/PTO 15 JUL 1996

U.S. DEPARTMENT OF COMMERCE

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. § 371Patent and Trademark Office
Docket No. 251692002120

#3

U.S. APPLICATION NO. (If known, see 37 C.F.R. § 1.5): 08/596,221

INTERNATIONAL APPLICATION NO.
PCT/US94/08458INTERNATIONAL FILING DATE
28 July 1994PRIORITY DATE CLAIMED
2 August 1993

TITLE OF INVENTION: SEGMENTED PLIABLE INTRASTROMAL CORNEAL INSERT

APPLICANT(S) FOR DO/EO/US: Thomas A. Silvestrini

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. ☐ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. § 371.
2. ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. § 371.
3. ☐ This express request to begin national examination procedures (35 U.S.C. § 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. § 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. § 371(c)(2))
 - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ has been transmitted by the International Bureau.
 - c. ☒ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. § 371(c)(2)).
7. ☒ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. § 371(c)(3))
 - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. ☐ have been transmitted by the International Bureau.
 - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
 - d. ☒ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. § 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. § 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. § 371(c)(5)).

Items 11. to 16. below concern document(s) or information included:

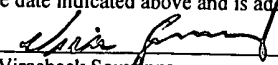
11. ☐ An Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 C.F.R. §§ 3.28 and 3.31 is included.
13. ☐ A **FIRST** preliminary amendment.
☐ A **SECOND** or **SUBSEQUENT** preliminary amendment.
14. ☐ A substitute specification.
15. ☒ A power of attorney and/or address letter.
16. ☐ Other items or information: Verified Statement Claiming Small Entity Status; Petition to Extend Time; Check for \$55.00 Return Postcard

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Express Mail Label No.: TB 790 419 575

Date of Deposit: July 15, 1996

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.


Virachack Souvannavong

U.S. APPLICATION NO. (If known, see 37 C.F.R. § 1.5)
08/596,221

INTERNATIONAL
APPLICATION NO. PCT/US94/08458

DOCKET
NUMBER: 251692002120

17. ☒ The following fees are submitted:

BASIC NATIONAL FEE (37 C.F.R. §§ 1.492(a)(1)-(5)):

Search Report has been prepared by the EPO or JPO \$880.00

International preliminary examination fee paid to
(USPTO (37 C.F.R. § 1.482)) \$680.00

No international preliminary examination fee paid to USPTO (37 C.F.R. § 1.482)
but international search fee paid to USPTO (37 C.F.R. § 1.445(a)(2)) \$750.00

Neither international preliminary examination fee (37 C.F.R. § 1.482) nor
international search fee (37 C.F.R. § 1.445(a)(2)) paid to USPTO \$1010.00

International preliminary examination fee paid to USPTO (37 C.F.R. § 1.482)
and all claims satisfied provisions of PCT Article 33(2)-(4) \$94.00

**CALCULATIONS PTO
USE ONLY**

ENTER APPROPRIATE BASIC FEE AMOUNT =

\$0.00

Surcharge of \$130.00 for furnishing the oath or declaration later than ☐ 20 ☐ 30 months from
the earliest claimed priority date (37 C.F.R. § 1.492(e)).

CLAIMS

NUMBER FILED

NUMBER EXTRA

RATE

Total claims

25 - 20 =

5

x \$22.00

\$0.00

2 - 3 =

0

x \$78.00

\$0.00

MULTIPLE DEPENDENT CLAIM(S) (if applicable)

+ \$250.00

\$0.00

TOTAL OF ABOVE CALCULATIONS =

\$0

Reduction by ½ for filing by small entity, if applicable. Verified Small Entity Statement must
also be filed (Note 37 C.F.R. §§ 1.9, 1.27, 1.28)

\$0.00

SUBTOTAL =

\$0

Processing fee of \$130.00 for furnishing the English translation later than

☐ 20 ☐ 30 months from the earliest claimed priority date (37 C.F.R. § 1.492(f)). + \$0.00

TOTAL NATIONAL FEE =

\$0.00

Fee for recording the enclosed assignment (37 C.F.R. § 1.21(h)). The assignment must be
accompanied by an appropriate cover sheet (37 C.F.R. §§ 3.28, 3.31). \$40.00 per property +

\$40.00

TOTAL FEES ENCLOSED =

\$40.00

**Amount
to be
refunded:**

\$*

charged:

\$*

- a. ☒ A two checks totalling the amount of \$95.00 to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. 03-1952 in the amount of \$* to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Assistant Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment to Deposit Account No. 03-1952. A duplicate copy of this sheet is enclosed.

NOTE: Where an appropriate time limit under 37 C.F.R. § 1.494 or 1.495 has not been met, a petition to revive (37 C.F.R. § 1.137(a) or (b)) must be filed and granted to restore the application to pending status.

SEND ALL CORRESPONDENCE TO:

Harry J. Macey
Morrison & Foerster LLP
755 Page Mill Road
Palo Alto, California 94304-1018

SIGNATURE

Harry J. Macey
Registration No. 32,818